

REMARKS

Claims 1-34 are pending in this application. Claims 1-29 are withdrawn. Claims 30-34 are under consideration. Claims 33 and 34 are canceled herein without prejudice. Claim 30 is amended herein to more distinctly claim the invention. Support for these amendments can be found in the original claim language and throughout the specification, as set forth below. It is believed that these amendments add no new matter. In light of these amendments, and the following remarks, applicants respectfully request reconsideration of this application, entry of these amendments, and allowance of the pending claims.

35 U.S.C. § 112, second paragraph

Claim 30 is rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Specifically, the Office Action states that the term “*the* functional HDL receptor” has insufficient antecedent basis, in the singular, in light of the receptor being used in an indefinite way as to number (“*an* isolated mammalian receptor”) in the preamble of the claim.

Claim 30 is amended herein by deleting the term “the” before the words “functional HDL receptor” and substituting therefor the term “a” before the words “functional HDL receptor.” Applicants believe that this rejection is overcome and respectfully request its withdrawal.

35 U.S.C. § 112, first paragraph

Claims 30-34 are rejected under 35 U.S.C. § 112, first paragraph, as allegedly containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventors, at the time the application was filed, had possession of the claimed invention. Specifically, the Office Action states that the specification teaches use of a cubilin receptor to study HDL holoparticle uptake; however, the claims

encompass any related receptor that binds HDL holoparticle, and this may be a large genus of receptors. The Office Action goes on to state that the specification does not teach functional or structural characteristics of all encompassed polypeptides used for the claimed methods. The Office Action states that the description of use of one HDL holoparticle receptor is not adequate written description of an entire genus of functionally equivalent polypeptides. The Office Action acknowledges that the use of a cubilin receptor meets the written description requirement.

Claim 30 is amended by adding the limitation "wherein the 450-600 kDa molecular weight subunit is cubilin." Support can be found in the specification of the published PCT application on page 7, lines 1-12. Applicants believe that this amendment overcomes this rejection and respectfully request its withdrawal and allowance of amended claim 30 and dependent claims 31 and 32.

In order to expedite allowance of the pending application, and not admitting that claims 33 and 34 lack written description, applicants herein cancel claims 33 and 34 without prejudice, thereby making this rejection moot in regard to these claims. Thus, applicants respectfully request withdrawal of these rejections.

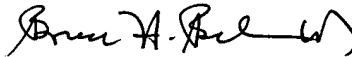
Pursuant to the above amendments and remarks, reconsideration and allowance of the pending claims are believed to be warranted, and such action is respectfully requested. The Examiner is invited to directly contact the undersigned if such contact may enhance the efficient prosecution of this application to issuance.

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No fee is believed due; however, the Commissioner is hereby authorized to charge any fees which may be required or to credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,

NEEDLE & ROSENBERG, P.C.

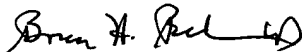


Bruce H. Becker, M.D.
Registration No. 48,884

NEEDLE & ROSENBERG, P.C.
Customer Number 23859
(678) 420-9300
(678) 420-9301 (fax)

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